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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL
ILLINOIS
COMMERCE COMMISSION

2003 JUN 23 A 10: 36

Gary Swart

-vs-

Illinois-American Water Company

Complaint as to meter reading more
than the usage in Chicago, Illinois.

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CHIEF CLERK'S OFFICE

Docket No. 03-0359

**ANSWER OF ILLINOIS-AMERICAN WATER COMPANY
TO FORMAL COMPLAINT**

Illinois-American Water Company ("Illinois-American" or the "Company"), by and through its attorneys, Sue A. Schultz and Mary G. Sullivan, for its answer to the Formal Complaint filed by Gary Swart, states:

1. Illinois-American is a corporation, incorporated under the laws of the State of Illinois on August 15, 1916, and is duly authorized to do business in the State of Illinois. It is a public utility within the meaning of the Act of the General Assembly of the State of Illinois entitled "An Act Concerning Public Utilities", approved June 29, 1916, and enforced July 1, 1921, as amended, and is now engaged in the business of furnishing potable water service to the public of the State of Illinois.

2. Illinois-American provides water and sanitary sewer service in several counties in Illinois, including certain areas in Whiteside County.

3. Gary Swart has an account for water service for 1311 East Fourth Street, Sterling, Illinois. The account supplies two apartments, one upstairs and one downstairs.

4. From September 2002 through November 2002, the average bill for this account was \$16.77 per month. See customer usage information attached as Exhibit 1.

5. In December 2002, the account was charged \$120.79. See Exh. 1. On January 10, 2003, there was a request for a re-read and inspection due to the higher than average bill. Attached as Exhibit 2 is a copy of the customer account screen indicating the request for inspection.

6. On January 29, 2003, the Company inspected the premises. The field service representative found a leak in the downstairs stool and a drip in the bathtub. The upstairs apartment also had a toilet leak. Attached as Exhibit 3 is a copy of the service order and customer maintenance screens.

7. The Company tested the customer's meter in accordance with standards for testing Cold Water Meters as prescribed by 83 Ill. Admin. Code 600.310 and AWWA Rule C705-60. The meter averaged 99.1% for all three streams, but failed the low flow for under-registration at 94% and 102% for middle flow. The high flow test at 101.3% was within the acceptable range. See Exhibit 4, a copy of the meter test results.

8. Complainant was advised to repair the leaks in the toilets and bathtub. See Exhibit 3.

9. As standard practice, when a customer experiences a higher than normal usage due to hidden leaks, the Company will give a credit to the customer for 50% of the bill over the normal billed usage. Mr. Swart has received two credit adjustments for water and sewer totaling \$215.38 and late fees of \$25.31 have been waived. The first adjustment of \$120.99 was made on February 5, 2003. On April 12, 2003, an additional

credit of \$94.39 was made and a late fee of \$25.31 was waived. Attached as Exhibit 5 are copies of the February and April bills which reflect the credit adjustments.

10. The first adjustment was based upon the December and January billing periods. The second adjustment was made based upon the two highest billing periods or January and February.

11. The meter was changed on January 29, 2003 but the usage did not significantly decrease because the higher than normal usage was due to internal leaks not a malfunction of the meter. See Exh. 1.

12. Pursuant to the Company's Commission approved tariffs; a customer may be disconnected from service, if leaks are not repaired. Attached as Exhibit 6 is a copy of the Company's tariff, ICC No. 22, Sheet 49, 18 (A)(VIII).

13. Mr. Swart has not paid any amounts on his accounts since December 6, 2002. Attached is Exhibit 7, a copy of account billing and payment history.

14. Mr. Swart has not contacted the Company regarding arranging a payment schedule for these past due amounts.

15. As a good faith effort to resolve this difference with Mr. Swart, the Company is willing to offer an additional adjustment of all metered water usage which was based upon flows over 100% test and ignoring the under metering at 94% for the low flow test. As explained in paragraph 7, the complainant's meter was tested and changed in January 2003. Two of the three flows registered over the 100% mark, for middle flows at 102% and high flows at 101.3%. Adding the two amounts over the 100% would equal 3.3%. Applying the 3.3% adjustment to the December and January

billing period when the meter was changed results in a credit of \$6.52 for water and \$3.80 for sewer and State Tax of \$0.01 for a total credit of \$10.33.

16. In order to provide relief for the payment shock for Mr. Swart's outstanding balance resulting from this dispute, we would be happy to establish a payment plan which would enable Ms. Swart to pay the outstanding balance over several months, rather than having to pay it in a single month. He may contact Richard Williams at 1-800-638-7993, extension 2246, if he wishes to elect this option.

Since Illinois-American provides Mr. Swart with standard water service consistent with the terms and charges contained in its tariffs approved by the Illinois Commerce Commission, Illinois-American does not believe that it can make any further credit adjustments requested by Complainant.

Respectfully submitted,

ILLINOIS-AMERICAN WATER COMPANY

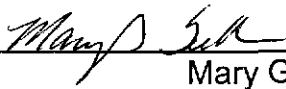
By: Mary G. Sullivan
Mary G. Sullivan
Associate Corporate Counsel

ATTORNEYS FOR ILLINOIS-AMERICAN:

Sue A. Schultz, General Counsel
Mary G. Sullivan, Associate Corporate Counsel
Illinois-American Water Company
300 North Water Works Drive
Belleville, IL 62223
Phone: (618) 239-2225

VERIFICATION

Mary G. Sullivan, Associate Corporate Counsel of Illinois-American Water Company, being first duly sworn, deposes and states that she is familiar with the facts stated in the Answer of Illinois-American Water Company to Formal Complaint, that said facts are true and correct to the best of her knowledge, information and belief.

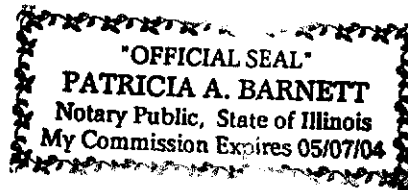


Mary G. Sullivan

SUBSCRIBED and SWORN to before me
this 20th day of June, 2003.



Notary Public



CERTIFICATE OF SERVICE

I, Mary G. Sullivan, do hereby certify that copies of the attached Answer of Illinois-American Water Company to Formal Complaint have been served upon the following, via UPS overnight delivery, this 20th day of June, 2003:

Gary Swart
P. O. Box 681
Sterling, IL 61081

Ms. Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701